

EXECUTIVE SECRETARIAT **ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR		X		
4	D/ICS	X			
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt	X			
13	D/OLL				
14	D/PAO				
15	D/PERS				
16	VC/NIC				
17					
18					
19					
20					
21					
22					

SUSPENSE

Date

Remarks

Executive Secretary

26 Dec 85

Date

3637 (10-81)

STAT



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D C 20503

Executive Registry

85- 5054

December 17, 1985

LID 6-SR

M-86-8

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS
AND AGENCIES

FROM: James C. Miller, III
Director

SUBJECT: Agency Operations in the Absence of
Appropriations

Once again, a Continuing Resolution for some Executive departments and agencies has expired without some form of appropriations taking effect. Thus far, only six regular appropriations bills for FY 1986 have been signed into law: Commerce/Justice/State; Energy/Water; HUD/Independent Agencies; Labor/HHS; the Legislative Branch; and Military Construction. However, the following seven appropriations measures have not been enacted: Agriculture/Related Agencies; Defense; District of Columbia; Foreign Operations; Interior; Transportation; and Treasury/Postal Service/General Government.

A list of agencies affected by the expiration of the Continuing Resolution may be found in the appendix to this memorandum.

As you know, Congress currently is considering a Continuing Resolution to provide funds for the rest of the fiscal year for the agencies not yet appropriated. Naturally, the President hopes that an acceptable Continuing Resolution will be enacted. However, in the absence of appropriations an opinion by the Attorney General requires you to begin implementing your agency's plans for an orderly shutdown of non-essential activities.

If you are the head of an agency listed in the appendix, you should instruct your employees to report for work on schedule. However, pursuant to your agency's plan in the event of an appropriations hiatus, you should instruct your employees to engage only in shutdown-related activities.

During the course of the day, a determination will be made whether it appears with reasonable certainty that an acceptable Continuing Resolution is about to be enacted. If

it appears with reasonable certainty that an acceptable Continuing Resolution will be available for signature during the day, you will be so notified by your OMB budget examiner. In that event, you should tell your employees to remain at work and engage only in shutdown-related activities. (Of course, once an appropriations measure for your agency has been signed, you should instruct your employees to return to business as usual.)

On the other hand, if it cannot be determined with reasonable certainty that an acceptable Continuing Resolution will be available during the day, you will be notified of that as well. In that case, you should send home those employees identified as non-excepted in your agency shutdown plan.

Please direct any questions that cannot be answered on the basis of this memorandum and prior communications to your OMB budget examiner or to OMB Counsel. Please direct any unresolved legal questions relative to the construction of the Antideficiency Act to the Office of Legal Counsel of the Department of Justice.

Thank you for your cooperation during this period of uncertainty and inconvenience.

AFFECTED AGENCIES

Agriculture

Department of Agriculture (except Forest Service)
Department of HHS, Food and Drug Administration
Commodity Futures Trading Commission
Farm Credit Administration

Foreign Assistance

Department of State
Department of Defense
Agency for International Development
Department of Agriculture
Export-Import Bank

Interior

Department of Agriculture, Forest Service
Department of the Interior (except Bureau of Reclamation)
Department of Energy
 Energy conservation
 Fossil energy R&D
 Strategic Petroleum Reserve
Department of Education, Indian education
Department of HHS, Indian Health
National Foundation on the Arts and Humanities
Pennsylvania Avenue Development Corporation
Smithsonian Institution
Advisory Council on Historic Preservation
Commission of Fine Arts
Franklin Delano Roosevelt Memorial Commission
National Capital Planning Commission
Institute of Museum Services
Native Hawaiians Study Commission
Office of the Federal Inspector for the Alaska Natural Gas
 Transportation System
Navajo and Hopi Indian Relocation Commission
United States Holocaust Memorial Council

Transportation

Department of Transportation (except Maritime Administration)
Architectural and Transportation Barriers
 Compliance Board
Civil Aeronautics Board
Panama Canal Commission
Washington Metropolitan Area Transit Authority
Interstate Commerce Commission
National Transportation Safety Board
United States Railway Association

Treasury/Postal Service/General Government

Legislative Branch, U.S. Tax Court
Executive Office of the President
Department of the Treasury (except revenue sharing)
General Services Administration (except as noted otherwise)
Office of Personnel Management
Postal Service
Administrative Conference of the United States
Advisory Committee on Federal Pay
Committee for Purchase from the Blind and other Severely
Handicapped
Federal Election Commission
Federal Labor Relations Authority
Advisory Commission on Intergovernmental Relations
Merit Systems Protection Board

Defense

Department of Defense
Central Intelligence Agency
Intelligence Community Staff

District of Columbia

District of Columbia